

Entered 4-15-03 sb
CL 03L0296 - GWENDOLYN BURNS

CLAIM OF: TERRI SARAS BAUGHER

4420 High Gate Drive
Acworth, Georgia 30101

03-R-2204

For vehicular damages alleged to have been sustained from driving over a water manhole that was under construction and left in an unsafe manner on March 23, 2003 at 675 Ponce de Leon, Avenue, NE.

THIS ADVERSED REPORT IS
APPROVED

BY: _____

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSE REPORT
PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE _____

CHAIR _____

ADVERSE
JAN 05 2004



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

January 12, 2004

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

Terri Saras Baugher
4420 High Gate Drive
Acworth, GA 30101

03-R-2204

Dear Ms. Baugher::

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on January 05, 2004. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0296

Date: November 24, 2003

Claimant /Victim TERRI SARAS BAUGHER
BY: (Atty) (Ins. Co.) _____
Address: 4420 High Gate Drive, Acworth, Georgia 30101
Subrogation: Claim for Property damage \$ 174.00 Bodily Injury \$ _____
Date of Notice: 4/11/02 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 3/23/03 Place: 675 Ponce De Leon Avenue, NE
Department _____ Division _____
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant alleges that her vehicle sustained damage when she drove over a water manhole that was under construction and left in an unsafe condition. However, an investigation determined that United Water Services Atlanta was responsible for the construction work at the subject location. The claim was forwarded to United Water Services Atlanta and has subsequently been resolved.

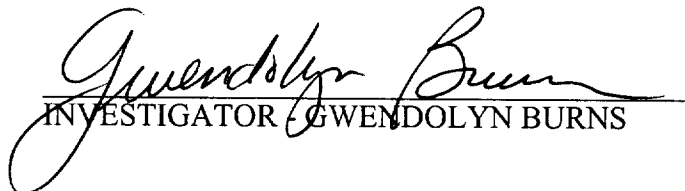
INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other _____
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

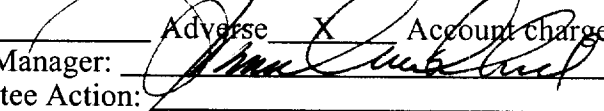
BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial _____
Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____
City not involved X Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR, GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2P01 _____ 2H01 _____
Claims Manager:  Concur/date 11/25/03
Committee Action: _____ Council Action _____

RCS# 5288
1/05/04
3:23 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG 1-9 EXCEPT;02-O-2087,
03-R-2173
ADOPT

YEAS: 10
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 6
EXCUSED: 0
ABSENT 0

| | | | |
|-----------|--------------|------------|-------------|
| Y Smith | NV Archibong | Y Moore | NV Mitchell |
| Y Starnes | Y Fauver | Y Martin | Y Norwood |
| Y Young | Y Shook | NV Maddox | Y Willis |
| Y Winslow | NV Muller | NV Boazman | NV Woolard |

CONSENT I

| 1-05-04 Council Meeting | |
|--|---|
| ITEMS ADOPTED ON CONSENT | ITEMS ADVERSED ON CONSENT |
| 1. 03-O-2225 2. 03-O-2161 3. 03-O-2221 4. 03-O-2175 5. 03-O-2229 6. 03-R-2171 7. 03-R-2214 8. 03-R-2215 9. 03-R-2233 10. 03-R-2219 11. 03-R-2172 12. 03-R-2174 13. 03-R-2176 14. 03-R-2246 15. 03-R-2247 16. 03-R-2248 17. 03-R-2226 18. 03-R-2232 19. 03-R-2237 20. 03-R-2178 21. 03-R-2181 22. 03-R-2182 23. 03-R-2183 24. 03-R-2184 25. 03-R-2185 26. 03-R-2186 27. 03-R-2187 28. 03-R-2188 29. 03-R-2189 30. 03-R-2190 31. 03-R-2191 | 32. 03-R-2192 33. 03-R-2193 34. 03-R-2194 35. 03-R-2195 36. 03-R-2196 37. 03-R-2197 38. 03-R-2198 39. 03-R-2199 40. 03-R-2200 41. 03-R-2201 42. 03-R-2202 43. 03-R-2203 44. 03-R-2204 45. 03-R-2205 46. 03-R-2206 47. 03-R-2207 48. 03-R-2208 49. 03-R-2209 50. 03-R-2210 |